

Appl. No. 10/034,220
Amdt. dated September 13, 2005
Reply to final Office action of June 14, 2005

REMARKS/ARGUMENTS

Receipt of the final Office action dated June 14, 2005 is hereby acknowledged. In that action the Examiner: 1) rejected claims 1, 2, 5-18, 21 and 23 as anticipated by the allegedly admitted prior art (APA); 2) rejected claims 31 and 33 as allegedly anticipated by Chou (U.S. Pat. No. 5,892,906); 3) rejected claims 3, 4, 9-20, 22 and 24-26 as allegedly unpatentable over APA in view of Hopmann (U.S. Pat. No. 6,578,069); and 4) rejected claims 32 and 34 as allegedly unpatentable over Chou in view of Hopmann.

With this Response, Applicants amend claims 1, 3, 5-9, 21 and 34. Reconsideration is respectfully requested.

I. ART BASED REJECTIONS:

A. Claim 1

Claim 1 stands rejected as anticipated by allegedly admitted prior art. Applicants amend claim 1 to more clearly define over a BIOS version and date.

The Office action takes the position that the claimed "unique identification number" is the BIOS version and date. (Office action dated June 14, 2005, Page 3). Applicants respectfully submit that one cannot "identify[] a **single** BIOS routine" with the BIOS version and date. Rhetorically, how could a BIOS version and date uniquely identify a single BIOS routine on BIOS containing a plurality of different BIOS routines? For this reason alone, claim 1 should be allowed.

Moreover, Applicants' Background section mentions two methods to determine "whether a particular OEM-added BIOS **routine is supported**" (Specification Paragraph [0006] (emphasis added)). Thus, the Background section is directed to determining whether a BIOS routine is supported, not "determining...a services number of the BIOS routine..." The first method mentioned to determine whether a routine is supported is to call the routine and check return status. (*Id.*) Calling the routine requires knowing the services number, and thus this method is not "determining...a services number of the BIOS routine..."

The second method mentioned to determine whether a routine is supported is to read the BIOS version and date, "and [to] compare the information

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to determine whether the BIOS **supports** the BIOS routine desired." (Specification Paragraph [0007] (emphasis added)). Again, the services number is known, and the determination is whether that BIOS routine is supported by the particular BIOS. Such a determination, however, is not "determining...a services number of the BIOS routine... ."

Based on the foregoing, Applicants respectfully submit that claim 1 is not taught or rendered obvious by their Background section, and thus claim 1 should be allowed together with claims that depend from claim 1 (claims 2-4). Applicants amend claim 3 to reflect the amendments to claim 1.

B. Claim 5

Claim 5 stands rejected as allegedly anticipated by admitted prior art. Applicants amend claim 5 to more clearly define over a BIOS version and date.

Claim 5 specifically recites, "a data table stored within the BIOS ROM, and wherein the data table correlates a unique identification number for a single BIOS routine to a BIOS call services number for the single BIOS routine." Applicants respectfully submit that their Background section does not anticipate the limitations of claim 5. In particular, the Background section does not teach or suggest correlating "a unique identification number for a single BIOS routine to a BIOS call services number... ."

Based on the foregoing, Applicants respectfully submit that claim 5 is not taught or rendered obvious by their Background section, and thus claim 5 should be allowed together with claims that depend from claim 5 (claims 6-8). Claims 6 and 8 are amended to reflect the amendments to claim 5.

C. Claim 9

Claim 9 stands rejected as obvious over allegedly admitted prior art and Hopmann. Applicants amend claim 9 to remove wording not needed to define over the cited art, and to more clearly define over a BIOS version and date.

Claim 9 specifically recites, "identifying a first basic input/output (BIOS) routine with a first globally unique identification number, wherein the first globally unique identification number is based, at least in part, on one or more of a random number or a network address of a computer generating the globally

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unique identification number... ." Applicants respectfully submit that a BIOS version and date are not based on either a random number or "a network address of a computer [that] generat[es]" the BIOS version and date, and thus the interpretation that a BIOS number and date is the claimed globally unique identification number is unreasonable.

Based on the foregoing, Applicants respectfully submit that claim 9 is not rendered obvious by their Background section in view of Hopmann, and thus claim 9 should be allowed together with claims that depend from claim 9 (claims 10-17).

D. Claim 18

Claim 18 stands rejected as allegedly obvious over admitted prior art and Hopmann.

Applicants' Background section and Hopmann are not properly considered together. (*In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992)). There is certainly no teaching or suggestion in Applicants' Background section to use a globally unique identifier of Hopmann for BIOS routines, and the Office action fails to cite any portion of Hopmann that suggests why identifying a **network** resource has any applicability to BIOS routines, which is inherently an in-system resource.

Based on the foregoing, Applicants respectfully submit that claim 18 is not rendered obvious by their Background section in view of Hopmann, and thus claim 18 should be allowed together with claims that depend from claim 18 (claims 19-20).

E. Claim 21

Claim 21 stands rejected as anticipated by allegedly admitted prior art. Applicants amend claim 1 to remove terminology not needed to define over the cited art, and to more clearly define over a BIOS version and date.

Claim 21 specifically recites, "identifying a plurality of basic input/output system (BIOS) routines each with individual, unique identification numbers based, at least in part, on a different random number... ." Applicants respectfully submit that a BIOS version and date are not based on random numbers, and thus the interpretation that a BIOS number and date are the claimed globally unique

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identification number is unreasonable. For this reason alone, claim 21 should be allowed.

Moreover, Applicants' Background section mentions two methods to determine "whether a particular OEM-added BIOS routine is supported" (Specification Paragraph [0006] (emphasis added)). Thus, the Background section is directed to determining whether a BIOS routine is supported, not "determining...a services number of a first BIOS routine..." The first method mentioned to determine whether a routine is supported is to call the routine and check return status. (*Id.*) Calling the routine requires knowing the services number, and thus this method is not "determining...a services number of the BIOS routine..."

The second method mentioned to determine whether a routine is supported is to read the BIOS version and date, "and [to] compare the information to determine whether the BIOS supports the BIOS routine desired." (Specification Paragraph [0007] (emphasis added)). Again, the services number is known, and the determination is whether that BIOS routine is supported by the particular BIOS. Such a determination, however, is not "determining...a services number of a first BIOS routine..."

Based on the foregoing, Applicants respectfully submit that claim 21 is not taught or rendered obvious by their Background section, and thus claim 21 should be allowed together with claims that depend from claim 21 (claims 22-26).

F. Claim 31

Claim 31 stands rejected as allegedly anticipated by Chou.

Chou is directed to an apparatus and method for preventing theft of computer devices, (Chou Title), which immediately calls into question its applicability to the current claims. The location in Chou cited by the Office action is a discussion directed to Figure 3, which describes the organization of a ROM containing BIOS routines and routines for implementation of the security system of Chou. (Chou Col. 3, line 52 through Col. 4, line 27). Apparently in Chou, before a POST routine (termed BICS routines in some instances by Chou) is fully executed, contents of a memory location are checked. (Chou Col. 4, lines 42-45).

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If the memory location indicates a locked condition, the POST routines stops execution. (Chou Col. 4, lines 45-47).

Claim 31, by contrast, specifically recites, "a means for storing unique identification numbers of BIOS routines correlated to BIOS call service numbers for the BIOS routines, the means for storing unique identification numbers associated with the means for storing BIOS routines." Applicants respectfully submit that Chou fails to teach, suggest or even imply such a structure. Chou's Figure 3 certainly does not show "a means for storing unique identification numbers of BIOS routines correlated to BIOS call service numbers for the BIOS routines."

Based on the foregoing, Applicants respectfully submit that claim 31 is not taught or rendered obvious by Chou, and thus claim 31 should be allowed together with claims that depend from claim 31 (claims 32-34). Claim 34 is amended to correct its dependency, which addresses both objections regarding this claim.

II. CONCLUSION

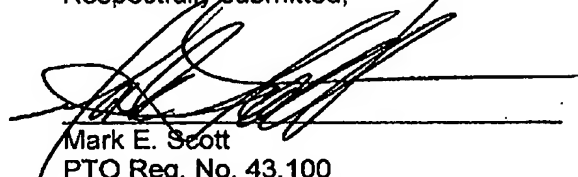
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Mark E. Scott
PTO Reg. No. 43,100
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400